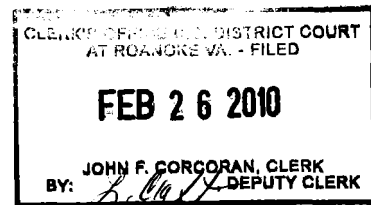


IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION



KEITH L. FITZGERALD,
Petitioner,

v.

WARDEN LORRETTA KELLY,
Respondent.

) Civil Action No. 7:09-cv-00155
)
)
)

) ORDER
)

) By: Hon. James C. Turk
) Senior United States District Judge


In accordance with the written memorandum opinion entered this day, it is hereby

ORDERED

that petitioner's motions to amend (No. 19, 23) are **GRANTED**; respondent's motion to dismiss is **GRANTED**; a Certificate of Appealability is **DENIED**; petitioner's motion to appoint counsel (No. 24) is **DENIED as moot**; and the case is **STRICKEN** from the active docket of the court.

The Clerk is directed to send copies of this order and the accompanying memorandum opinion to petitioner and counsel of record for the respondent.

ENTER: This 26th day of February, 2010.


Senior United States District Judge